

# **EXHIBIT 5**

**Redacted Version  
of Document Sought  
to be Sealed**

CONFIDENTIAL

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

---oOo---

CHASOM BROWN; MARIA NGUYEN;  
WILLIAM BYATT; JEREMY DAVIS;  
and CHRISTOPHER CASTILLO,  
individually and on behalf  
of all other similarly  
situated,

Plaintiffs,

vs.

No. 5:20-cv-03664-LHK

GOOGLE LLC,

Defendant.

\_\_\_\_\_/

CONFIDENTIAL

REMOTE VIDEOTAPED DEPOSITION OF SAMMIT ADHYA

WITNESS LOCATION: SAN JOSE, CALIFORNIA

FRIDAY, NOVEMBER 19, 2021

Stenographically Reported by:

ANDREA M. IGNACIO, CSR, RPR, CRR, CCRR, CLR

California CSR No. 9830

Job No. 765904

MAGNA LEGAL SERVICES

866-624-6221

[www.MagnaLS.com](http://www.MagnaLS.com)

CONFIDENTIAL

Page 2

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 ---oOo---

4

5 CHASOM BROWN; MARIA NGUYEN;  
6 WILLIAM BYATT; JEREMY DAVIS;  
7 and CHRISTOPHER CASTILLO,  
8 individually and on behalf  
9 of all other similarly  
10 situated,

8

Plaintiffs,

9

vs.

No. 5:20-cv-03664-LHK

10

GOOGLE LLC,

11

Defendant.

12

13

14 REMOTE VIDEOTAPED DEPOSITION OF SAMMIT ADHYA,  
15 taken on behalf of the Plaintiffs, on Friday,  
16 November 19, 2021, beginning at 9:08 a.m., and  
17 ending at 5:38 p.m., Pursuant to Notice, and  
18 remotely before me, ANDREA M. IGNACIO, CSR, RPR,  
19 CRR, CLR ~ License No. 9830.

20

21

22

23

24

25

CONFIDENTIAL

Page 3

1 R E M O T E A P P E A R A N C E S:

2

3

4 COUNSEL FOR THE PLAINTIFFS:

5 BOIES SCHILLER & FLEXNER LLP

6 By: BEKO REBLITZ-RICHARDSON, ESQ.

7 MARK MAO, ESQ.

8 44 Montgomery Street, 41st Floor

9 San Francisco, California 94104

10

11

12 MORGAN & MORGAN

13 By: RYAN MCGEE, ESQ.

14 JENNI CABEZAS, Paralegal

15 201 N. Franklin Street, 7th Floor

16 Tampa, Florida 33602

17

18

19

20

21

22

23

24

25

CONFIDENTIAL

Page 4

1 R O M O T E A P P E A R A N C E S: (Cont.)

2

3

4 COUNSEL FOR THE DEFENDANT:

5 QUINN EMANUEL URQUHART & SULLIVAN

6 By: SARA JENKINS, ESQ.

7 TRACY GAO, ESQ.

8 555 Twin Dolphin Drive, 5th Floor

9 Redwood Shores, California 94065

10

11

12 ALSO PRESENT: Matthew Gubiotti, Google

13 Evan Tsilimidos, Videographer

14 Vanessa Wheeler, Exhibit Technician

15

16 ---oOo---

17

18

19

20

21

22

23

24

25

CONFIDENTIAL

Page 5

## 1 INDEX OF EXAMINATION

2

3 WITNESS: Sammit Adhya

4

5 EXAMINATION

PAGE

6 By Mr. McGee

9

7

## 8 INDEX OF DEPOSITION EXHIBITS

9 EXHIBIT

PAGE

10 Exhibit 1 Sammit Adhya PM Transfer Candidate 32

11 Bates GOOG-BRWN-00540053 - '61

12 Exhibit 2 Document Bates GOOG-BRWN-00561420 42

13 Exhibit 3 12-22-18 E-mail Re: End of the 48

14 Year Update on the Unauth

15 Workstream, Bates

16 GOOG-CABR-03689232 - '233

17 Exhibit 4 5-3-19 E-mail Re: Incognito 62

18 Questio... I think the product

19 meta question is..., Bates

20 GOOG-BRWN-00611987

21 Exhibit 5 Incognito Strategy and Creative 67

22 Brief August 2019, Bates

23 GOOG-BRWN-00569625 - '632

24 //

25 //

## CONFIDENTIAL

Page 6

1		INDEX OF DEPOSITION EXHIBITS	
2	EXHIBIT		PAGE
3	Exhibit 6	8-13-19 E-mail Re: Chrome/Sin	87
4		Rastro options, Bates	
5		GOOG-BRWN-00700255 - '56	
6	Exhibit 7	8-20-19 E-mail Re: Chrome/Sin	105
7		Rast, Bates GOOG-BRWN-00700347	
8		- '48	
9	Exhibit 8	Incognito Google-wide Summary	111
10		BATES GOOG-BRWN-00567843 - '50	
11	Exhibit 9	2-14-20 Chat Message, Bates	119
12		GOOG-BRWN-00177302 - '306	
13	Exhibit 10	2-14-20 E-mail Re: Proposal under	125
14		Martin to check with sthamilton,	
15		Bates GOOG-BRWN-00441285 - '86	
16	Exhibit 11	6-18-20 Chat Message, Bates	137
17		GOOG-BRWN-00176724 - '726	
18	Exhibit 12	6-28-20 E-mail Re: Reuters:	143
19		Inaccurate YouTube Incognito	
20		press, Bates GOOG-BRWN-00176684	
21		- '85	
22	Exhibit 13	2-15-20 E-mail Re: Summary of	150
23		Sin Rastro meeting with Chrome	
24		leads and next steps, Bates	
25		GOOG-BRWN-00177296 - '298	

CONFIDENTIAL

Page 7

1	INDEX OF DEPOSITION EXHIBITS		
2	EXHIBIT		PAGE
3	Exhibit 14	8-7-19 E-mail Re: SinRastro/Chrome	154
4		Bates GOOG-BRWN-00503271 - '277	
5	Exhibit 15	7-22-20 Chat Message, Bates	157
6		GOOG-BRWN-00176477 - '80	
7	Exhibit 16	Sammit/Saud Bates	164
8		GOOG-BRWN-00564810 - '17	
9	Exhibit 17	7-29-20 Notes, Bates	175
10		GOOG-BRWN-00536956	
11	Exhibit 18	Meeting Notes: Incognito Next	182
12		Steps, Bates GOOG-BRWN-00165567	
13	Exhibit 19	7-22-20 Chat Message, Bates	184
14		GOOG-BRWN-00176481	
15	Exhibit 20	5-19-20 Chat Message, Bates	190
16		GOOG-BRWN-00176937 - '44	
17	Exhibit 21	3-22-19 E-mail Re: [REDACTED] Weekly	202
18		Update, Bates GOOG-BRWN-00178120	
19		- '122	

---oOo---



CONFIDENTIAL

Page 155

1 MR. MCGEE: Q. And I want to -- Mr. Adhya, 02:56:44  
2 when you get the document, I just want to draw your 02:56:46  
3 attention to the fourth page that's going to have 02:56:47  
4 Bates label '274. 02:56:51

5 A Okay. I have the document. 02:57:08

6 Q Okay. And again on the fourth page, '2774, 02:57:09  
7 there's a message to you in -- an July 30, 2019, at 02:57:13  
8 6:25 a.m. And that third bullet point: 02:57:19

9 "Therefore, instead of the expected result of 02:57:30  
10 'Going to Incognito mode stops Google logging in all 02:57:34  
11 products', we would have 'Users have a way to set up 02:57:37  
12 Incognito to tell Google to stop logging for all 02:57:45  
13 products." 02:57:48

14 Do you have any independent recollection of 02:57:50  
15 your discussions with Mr. Halavati about the substance 02:57:51  
16 of that quote? 02:57:55

17 MS. JENKINS: Objection. 02:57:58

18 To the extent you need to review part of the 02:57:59  
19 document to respond, please do so. 02:58:01

20 MR. MCGEE: Q. Mr. Adhya, I'm just asking 02:58:03  
21 you about this very specific quote. 02:58:05

22 Do you currently have any independent 02:58:08  
23 recollection about the substance of what you were 02:58:09  
24 discussing with Mr. Halavati? 02:58:13

25 A I just wanted to make sure -- like this is a 02:58:23

CONFIDENTIAL

Page 156

1 long e-mail thread. 02:58:26

2 Q Right. I know it is, but I'm just asking 02:58:28

3 about this very specific part, about the proposed 02:58:29

4 change about, quote: 02:58:34

5 "Going into Incognito mode stops Google 02:58:35

6 logging in all products," end quote. To, quote, 02:58:38

7 "Users have a way to set up Incognito to tell Google 02:58:42

8 to stop logging for all product." 02:58:45

9 Do you have any independent recollection of 02:58:48

10 that discussion with Mr. Halavati? 02:58:49

11 A I don't. I'd have to read the e-mail and see 02:58:56

12 if I can remember any of the context here, but I don't 02:58:59

13 remember this specifically. 02:59:02

14 Q Do you have any understanding about what 02:59:03

15 Sundar may or may not have promised related to that 02:59:08

16 quote? 02:59:14

17 A I don't. 02:59:16

18 MS. JENKINS: Objection; vague. 02:59:16

19 MR. MCGEE: Q. And Sundar in that would be 02:59:18

20 Mr. Pichai; correct? 02:59:19

21 MS. JENKINS: Objection; calls for 02:59:21

22 speculation. 02:59:25

23 THE WITNESS: I don't know. 02:59:25

24 MR. MCGEE: Okay. And we'll mark as 02:59:34

25 Exhibit 15 GOOG-BRWN-00176477. 02:59:38

## CONFIDENTIAL

Page 157

1 (Document remotely marked Exhibit 15 02:59:42  
2 for identification.) 03:00:21  
3 MR. MCGEE: Q. Mr. Adhya, please take a 03:00:21  
4 moment to review this document, and let me know when 03:00:23  
5 you've had a chance to review it. 03:00:25  
6 A Okay. Thank you. 03:00:27  
7 Okay. I've had a chance to review. 03:02:46  
8 Q Okay. And if you look at the top of the 03:02:47  
9 second page that has the Bates label '478, there's a 03:02:49  
10 message from Greg Fair at 14:07:01. It says: 03:02:55  
11 "Slide 9? The &quot;Google wants to track 03:03:05  
12 you&quot; message will have too much negative impact 03:03:09  
13 on user trust." 03:03:09  
14 Do you agree with that statement, that Google 03:03:16  
15 informing users it wants to track them will have 03:03:19  
16 too much negative impact on their trust? 03:03:22  
17 MS. JENKINS: Objection; vague; lacks 03:03:25  
18 foundation. 03:03:34  
19 THE WITNESS: I don't agree with that. 03:03:39  
20 MR. MCGEE: Q. Why not? 03:03:40  
21 A I don't have the full context. I don't 03:03:57  
22 remember the full context of this conversation. But I 03:03:58  
23 think this is talking about some changes related to 03:04:01  
24 iOS 14 and requirements from Apple on somehow the -- 03:04:07  
25 on somehow the -- how these things work. 03:04:16

CONFIDENTIAL

Page 217

## 1 CERTIFICATE OF STENOGRAPHER

2

3 I, ANDREA M. IGNACIO, hereby certify that the  
4 witness in the foregoing remote deposition was by me  
5 remotely sworn to tell the truth, the whole truth, and  
6 nothing but the truth in the within-entitled cause;

7 That said deposition was taken in shorthand by  
8 me, a disinterested person, remotely at the time stated,  
9 and that the testimony of the said witness was  
10 thereafter reduced to typewriting, by computer, under my  
11 direction and supervision;

12 That before completion of the deposition,  
13 review of the transcript [x] was [ ] was not requested.  
14 If requested, any changes made by the deponent (and  
15 provided to the reporter) during the period allowed are  
16 appended hereto.

17 I further certify that I am not of counsel or  
18 attorney for either or any of the parties to the said  
19 deposition, nor in any way interested in the event of  
20 this cause, and that I am not related to any of the  
21 parties thereto.

22 Dated:

23



24 ANDREA M. IGNACIO, RPR, CRR, CCRR, CLR, CSR No. 9830

25